

CLOSED, ECF, MAGCONSENT

**U.S. District Court
Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:12-cv-01058-GWG**

Murphy v. United States Department of Homeland Security
Assigned to: Magistrate Judge Gabriel W. Gorenstein
Demand: \$27,000
Cause: 05:552 Freedom of Information Act

Date Filed: 02/10/2012
Date Terminated: 06/19/2012
Jury Demand: None
Nature of Suit: 895 Freedom of Information Act
Jurisdiction: Federal Question

Plaintiff**Courtney E. Murphy**

represented by **Jacob Royal Zissu**
Clausen Miller, P.C.,
One Chase Manhattan Plaza
New York, NY 10005
(212) 805-3943
Fax: (212) 805-3939
Email: jzissu@clausen.com
ATTORNEY TO BE NOTICED

V.

Defendant**United States Department of Homeland Security**

represented by **Li Yu**
U.S. Attorney's Office, SDNY (Chambers Street)
86 Chambers Street
New York, NY 10007
(212) 637-2734
Fax: (212) 637-2686
Email: li.yu@usdoj.gov
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/10/2012	<u>1</u>	COMPLAINT against United States Department of Homeland Security. (Filing Fee \$ 350.00, Receipt Number 465401029443) Document filed by Courtney E. Murphy.(rdz) (ama). (Entered: 02/14/2012)
02/10/2012		SUMMONS ISSUED as to United States Department of Homeland Security, U.S. Attorney and U.S. Attorney General. (rdz) (Entered: 02/14/2012)
02/10/2012		Magistrate Judge Gabriel W. Gorenstein is so designated. (rdz) (Entered: 02/14/2012)
02/10/2012		Case Designated ECF. (rdz) (Entered: 02/14/2012)
02/14/2012		***NOTE TO ATTORNEY TO E-MAIL PDF. Note to Attorney Jacob Royal Zissu for noncompliance with Section 14.3 of the S.D.N.Y. Electronic Case Filing Rules & Instructions. E-MAIL the PDF for Document <u>1</u> Complaint to: caseopenings@nysd.uscourts.gov. (rdz) (Entered: 02/14/2012)
02/27/2012	<u>2</u>	NOTICE OF INITIAL PRETRIAL CONFERENCE: Initial Conference set for 3/12/2012 at 10:00 AM in Courtroom 15A, 500 Pearl Street, New York, NY 10007 before Judge Katherine B. Forrest. (Signed by Judge Katherine B. Forrest on 2/27/2012) (djc) (Entered: 02/27/2012)
03/08/2012	<u>3</u>	ENDORSED LETTER addressed to Judge Katherine B Forrest from Li Yu dated 3/7/2012 re: Request to extend time for two weeks to to respond to the complaint from 3/12 to 3/26/2012 and to adjourn the 3/12/2012 conference.

		ENDORSEMENT: Request granted--defendant's time to respond to the complaint is extended until 3/26/12, and the initial pretrial conference is rescheduled for 3/26/2012 at 11:00 am. Plaintiff shall serve a copy of this order on Mr. Yu forthwith and file proof of such notice with the Court. United States Department of Homeland Security answer due 3/26/2012.(Initial Conference set for 3/26/2012 at 11:00 AM before Judge Katherine B. Forrest.) (Signed by Judge Katherine B. Forrest on 3/8/2012) (cd) Modified on 3/13/2012 (cd). (Entered: 03/08/2012)
03/09/2012	<u>4</u>	AFFIDAVIT OF SERVICE of ORDER served on AUSA Li Yu on 3/9/12. Service was made by MAIL. Document filed by Courtney E. Murphy. (Zissu, Jacob) (Entered: 03/09/2012)
03/23/2012	<u>5</u>	INITIAL REPORT OF PARTIES BEFORE PRETRIAL CONFERENCE. <i>Plaintiff's Proposed Scheduling Order</i> . Document filed by Courtney E. Murphy.(Zissu, Jacob) (Entered: 03/23/2012)
03/26/2012	<u>6</u>	ENDORSED LETTER addressed to Judge Katherine B. Forrest from Li Yu dated 3/23/2012 re: Counsel writes to advise that the parties have consented to conduct all proceedings before a Magistrate Judge. Counsel respectfully propose the following briefing schedule for the Government's motion to dismiss: (i) opposition papers due April 9, 2012; and (ii) reply papers, if any, due April 16, 2012. If the Court were to deny the Government's motion to dismiss, counsel respectfully request an opportunity for the Government to complete processing the FOIA request at issue, and then confer with plaintiff's counsel to propose a schedule for summary judgment. ENDORSEMENT: The initial pretrial conference scheduled for 3/26 is adjourned because the parties have consented to proceed before Magistrate Judge Gorenstein for all purposes. The Court So Orders the briefing schedule herein but the parties shall direct the remaining issues to Judge Gorenstein. The Clerk of the Court is directed to transfer this action to Judge Gorenstein. (Signed by Judge Katherine B. Forrest on 3/26/2012) (jfe) (Entered: 03/26/2012)
03/26/2012		Set/Reset Deadlines as to Responses due by 4/9/2012 Replies due by 4/16/2012. (jfe) (Entered: 03/26/2012)
03/26/2012		Transmission to Case Assignment Clerk. Transmitted re: <u>6</u> Endorsed Letter to the Case Assignment Clerk for preparation of notice of case assignment/reassignment. (jfe) (Entered: 03/26/2012)
03/27/2012	<u>7</u>	ORDER OF REFERENCE TO A MAGISTRATE JUDGE: Order that case be referred to the Clerk of Court for assignment to a Magistrate Judge for Consent under 28 U.S.C. 636(c) for all purposes (including trial). Referred to Magistrate Judge Gabriel W. Gorenstein. (Signed by Judge Katherine B. Forrest on 3/27/2012) (js) (Entered: 03/27/2012)
04/05/2012	<u>8</u>	ENDORSED LETTER addressed to Magistrate Judge Gabriel W. Gorenstein from Li Yu dated 3/26/2012 re: Counsel for defendants write with the consent of Plaintiffs Counsel to request a two--week extension of the Government's time to respond from March 26, 2012 to April 9, 2012. ENDORSEMENT: Granted. So Ordered., United States Department of Homeland Security answer due 4/9/2012. (Signed by Magistrate Judge Gabriel W. Gorenstein on 4/4/2012) (js) (Entered: 04/05/2012)
04/09/2012	<u>9</u>	MOTION to Dismiss., MOTION to Dismiss for Lack of Jurisdiction.(Responses due by 4/23/2012) Document filed by United States Department of Homeland Security.(Yu, Li) (Entered: 04/09/2012)
04/09/2012	<u>10</u>	DECLARATION of Monique Booker-Kasper in Support re: <u>9</u> MOTION to Dismiss. MOTION to Dismiss for Lack of Jurisdiction.. Document filed by United States Department of Homeland Security. (Yu, Li) (Entered: 04/09/2012)
04/09/2012	<u>11</u>	DECLARATION of Li Yu in Support re: <u>9</u> MOTION to Dismiss. MOTION to Dismiss for Lack of Jurisdiction.. Document filed by United States Department of Homeland Security. (Yu, Li) (Entered: 04/09/2012)
04/09/2012	<u>12</u>	MEMORANDUM OF LAW in Support re: <u>9</u> MOTION to Dismiss. MOTION to Dismiss for Lack of Jurisdiction.. Document filed by United States Department of

		Homeland Security. (Yu, Li) (Entered: 04/09/2012)
04/10/2012	<u>13</u>	CONSENT TO JURISDICTION BY A US MAGISTRATE JUDGE (Case No Longer Referred to Magistrate Judge) CASE ASSIGNED to Magistrate Judge Gabriel W. Gorenstein. (Signed by Judge Katherine B. Forrest on 4/10/2012) (mro) (Entered: 04/10/2012)
04/20/2012	<u>14</u>	MEMORANDUM OF LAW in Opposition re: <u>9</u> MOTION to Dismiss. MOTION to Dismiss for Lack of Jurisdiction.. Document filed by Courtney E. Murphy. (Zissu, Jacob) (Entered: 04/20/2012)
04/26/2012	<u>15</u>	ENDORSED LETTER addressed to Magistrate Judge Gabriel W. Gorenstein from Li Yu dated 4/26/2012 re: I write respectfully to request a two-week extension of the due date for the reply in further support of the Government's motion to dismiss, from April 30, 2012, to May 14, 2012, to allow the parties to seek a consensual resolution. ENDORSEMENT: Granted. Please send a signed letter next time., (Replies due by 5/14/2012.) (Signed by Magistrate Judge Gabriel W. Gorenstein on 4/26/2012) (lmb) (Entered: 04/26/2012)
05/10/2012	<u>16</u>	ENDORSED LETTER addressed to Magistrate Judge Gabriel W. Gorenstein from Li Yu dated 5/9/2012 re: Counsel respectfully requests a one week extension of the due date for the reply in further support of the Government's motion to dismiss to 6/8/12. ENDORSEMENT: So Ordered. Set Deadlines/Hearing as to <u>9</u> MOTION to Dismiss. MOTION to Dismiss for Lack of Jurisdiction. :(Replies due by 6/8/2012.) (Signed by Magistrate Judge Gabriel W. Gorenstein on 5/9/2012) (jfe) (Entered: 05/10/2012)
06/06/2012	<u>17</u>	ENDORSED LETTER addressed to Magistrate Judge Gabriel W. Gorenstein from Li Yu dated 6/5/2012 re: Counsel respectfully request that the Court adjourn the due date for the reply papers in support of the Government's motion to dismiss until 8/31/2012. ENDORSEMENT: So Ordered. (Signed by Magistrate Judge Gabriel W. Gorenstein on 6/5/2012) (jfe) (Entered: 06/06/2012)
06/06/2012		Set/Reset Deadlines as to <u>9</u> MOTION to Dismiss. MOTION to Dismiss for Lack of Jurisdiction.. Replies due by 8/31/2012. (jfe) (Entered: 06/06/2012)
06/19/2012	<u>18</u>	STIPULATION AND ORDER OF SETTLEMENT AND DISMISSAL: Subject to the Court's approval, Emmett is hereby deemed a party in this action pursuant to Federal Rule of Civil Procedure 20; provided, however, that Plaintiff reserves the right to dispute whether Emmett is a necessary party to this action under Federal Rule of Civil Procedure 19, and Emmett reserves the right to withdraw from this action, and as further set forth in this document. FEMA and Plaintiff shall bear their own costs and attorneys' fees inconnection with the dismissal of this action pursuant to this Stipulation and Order. (Signed by Magistrate Judge Gabriel W. Gorenstein on 6/19/2012) (cd) (Entered: 06/19/2012)
06/19/2012	<u>19</u>	ENDORSED LETTER addressed to Magistrate Judge Gabriel W Gorenstein from Li Yu dated 6/19/2012 re: Request that the proposed stipulation be approved. ENDORSEMENT: Docket #9 is denied as moot. (Signed by Magistrate Judge Gabriel W. Gorenstein on 6/19/2012) (cd) (Entered: 06/19/2012)